

1895-033 Chancery Causes: Champ T. Hamblen vs. William Greene &c
Lee Co

CA-Debt
T-Property

To the Hon, H. S. K. Morrison Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining your Orator Chas. J. Hamblin
would respectfully represent to your Honor that one Wm
Green and L. H. Green are jointly indebted to him in the
sum of One Hundred and Eighty four dollars with
interest thereon from April the 20 1891 till paid, and that
the same became due and payable on or before the first
day of January 1892: To show which your Orator states
that on the 11th day of August 1891 the said Wm. Green
& L. H. Green executed and delivered to him their certain
deed or bond under seal dated Aug 11 1891 and himself
filed as a part hereof marked (A) by which the said Wm &
L. H. Green bound themselves their heirs &c. to pay to your
Orator on or before the first day of January 1892 the sum
of One Hundred and Eighty four dollars, with interest thereon
from the 20th day of April 1891, for value received in
land: And as to said debt, the said Wm & L. H. Green waived
the benefit of their Homestead exemption[#], and each and every
part of said sum of money ^{thereof} is now due and owing to your
orator, no part thereof ever having been paid him by any one

Your Orator states that some time before Augt the
11th 1891, the heirs at law of Wm. Sullivan deceased ^{of whom your Orator & his wife are one} bargained
and sold to the said Wm & L. H. Green a part of the tract
of land, on which said Sullivan lived at the time of his death,
lying and being in said County of Lee, near Patent Ford of Rapid Run

Your orator will now further show your Honor that the said Wm. Green has
made the following payments on said sum of money which are enclosed
as exhibits on said bond, to wit the sum of forty dollars paid on the
23rd day of November 1892, and thirty five dollars paid on December
the 19th 1892, and the residue

and about 2 1/2 miles South east of Jonesville, and the said tract, so sold the said Wm & B. H. Green contained 18 4/5 acres and the same was sold to them at Ten dollars per acre. Your Orator further states, that about the 11th day of Augt, 1891 that he and his wife and the other heirs at of the said Wm Sullivan died, executed and acknowledged for record, a proper deed of conveyance, for said land, by which they conveyed to said Wm & B. H. Green said 18 4/5 acres of land. and in this conveyance the widow of said Sullivan joined by which she relinquished her dower right in said land and this deed of conveyance was delivered by the said heirs to the said Wm & B. H. Green and the same was accepted by them as entirely satisfactory but for reasons not known to your Orator, the said Wm & B. H. Green have not had said deed recorded, and hence your Orator cannot now file with this bill a copy thereof.

Your Orator states that by the terms of said deed of conveyance the grantors therein expressly reserved, the vendors lien therein for the benefit of your Orator, for the whole of the purchase price of said land no part thereof having ever been paid.

Your Orator now states, that the said bond of \$184.00 with interest as before stated, was executed to him, by the said Wm & B. H. Green for the purchase price of said tract or parcel of land. and that the same constitutes a valid and subsisting lien thereon, and that there are no other liens upon said tract of land.

And he is advised that it is the province of a Court of equity, to enforce him like this, by decreeing a sale of the said land to pay the purchase money, and to attain that end is the object of this bill:

The premises considered Your Orator prays that the said Wm Green and Est. Green be made defendants to this bill, and be required to answer the same on oath, that upon a hearing thereof, a decree be rendered in favor of your Orator against the said Wm & Est Green ^{subject to credits as aforesaid} for \$184.00 with legal interest thereon from April 20 1891 till paid and the cost of suit, that said tract of land be decreed to be sold for cash to pay the same, and if in any wise mistaken in this his special prayer, then your Orator prays for all general relief. May the Commonwealth writ of Habeas corpus be denied.

Duncan & Hyatt
Henry J. Morgan & Attor for Poff

5.87
 8 50
 15.00
 Estimate 5.63
 \$27.00
 1-63
 21.37
 1 32
 \$22.69

2nd Feby 1894
 Champ J. Hamble

vs. { Bill in Chy

Wm & Co. H. Green

1894 2nd Feby Rules Bill
 filed Spa & D. Nisi
 " 2nd March Rules taken
 last Monday in Feby
 D. Nisi Cause
 set for hearing by
 Plaintiff
 " March 2nd 1894 Dura
 far side & contd

\$184.⁰⁰/₁₀₀

On or before The first day of
January 1892. With interest from
the 20th day of April 1891. We
bind ourselves heirs &c to pay to
Chas. T. Hamblen the just
and full sum of one hundred
and eighty four dollars, for value
received in land from the heirs of
William Sullivan decd. for which
a vendors lien is retained, and
we hereby waive the benefit of
our homestead exemption as to
this debt. Witness our hands
and seals this 11th day of
August 1891.

Wm Greene Seal
C. H. Greene by Seal
Wm Greene

Wm Green

To { credit 184.

Chas. J. Green 184

(A)

1892 Nov. 23 By cash of Wm Green 40.00

1892 Dec 19 By cash of Wm Green 35.00

Champ T. Hamblen

Plaintiff.

vs.

In chancery.

Wm. & C.H. Greene,

Defendants.

This cause came on again this day to be further heard upon the papers formerly read herein, and the report of L.T. Hyatt, special commissioner together with the deed therewith filed in said cause on the 12th day of March 1895, and was argued by counsel. Upon consideration whereof, it is adjudged, ordered and decreed that said report and the deed therewith be and they are each hereby confirmed. And the said Armina Miner is hereby given leave to withdraw said deed from the papers of said cause upon leaving a certified copy thereof in said papers. And the said Armina Miner will pay to the said L.T. Hyatt, the sum of five dollars for making and executing said deed, for which execution may issue. And there being nothing further to be done in said cause, it is stricken from the docket.

Chas. T. Hambleton

vs. $\frac{3}{2}$ Deere final.
Mm + list. Greene.

C. B.

Page 170

Enter this decree

M. J. M.

March 12th 1895.

Champ T. Hamblen

Plaintiff.

vs.

In Chancery.

Wm. and C.H. Greene.

Defendant.

This cause came on ~~again~~ this day to be heard upon the papers formerly read herein and the report of L.T. Hyatt, Special Commissioner, showing a sale of the land in the bill and proceedings mentioned, and was argued by counsel. On consideration whereof, and it appearing to the court that said report has been filed for more than ten days before the first day of this term of the court, and that there are no exceptions thereto, it is adjudged, ordered and decreed that said report and the sale therein reported be, and they are each hereby confirmed. And it appearing from said report that the purchaser paid down the entire amount of the purchase price which is a sum sufficient to pay the lien mentioned and set up in said bill, which said sum has been paid out by the Commissioner to those entitled thereto, it is further adjudged, ordered and decreed that L.T. Hyatt, ~~Commissioner~~ who is appointed a commissioner for the purpose, do convey to Armina Miner, the purchaser the tract of land mentioned and described in the bill with covenants of special warranty. Said Commissioner will report his action to this court, and the cause is continued.

Champ & Co. v. Hambleton

vs. $\frac{3}{2}$ Decree 2.

Mrs. H. H. Greene

confirming Court's -
report of sale &c

Copied in Chancery
Order Book

Page 51

Ents. this decree

W. J. 111

November 10 1872

Champ T. Hamblen

Plaintiff

vs.

In chancery.

Wm. & C.H. Green.

Defendants.

This cause came on this day to be heard on the bill of complainant and exhibit therewith and was argued by counsel. And it appearing to the court that process has been duly served upon the defendant for more than fifteen days before the first day of this term and that they have failed to appear, answer, plead or demur, the bill is taken for confessed against them. On consideration whereof it is adjudged, ordered and decreed that the plaintiff recover of the defendants the sum of \$184.00, with interest thereon from the 20th day of April 1891 till paid subject to a credit of \$40.00 paid November 23rd 1892, and a further credit of \$35.00 paid December 19th 1892. ^{*the costs of this suit*} And unless the defendants or some on for them pay to the plaintiff said sum as aforesaid with interest as aforesaid and the costs of this suit, within thirty days from the rising of this court, then L.T. Hyatt who is appointed a commissioner for the purpose, will, after giving notice of the time place and terms of sale for at least 30 days by posting written notices thereof at three or more public places in said county, proceed to sell at public auction to the highest bidder at the front door of the courthouse on some court day the land in the bill mentioned, or so much thereof as will be necessary to pay the said debt interest and costs of this suit and commissions of sale, on a credit of ~~six~~ ^{*twelve*} months except a sum sufficient to pay costs of suit and commissions of sale which said commissioner will require paid down in cash. for the residue said commissioner will take the bond from the purchaser with good security with interest from day of sale, but before proceeding to execute this decree he will execute bond before the Clerk of this court in the penalty of \$400.00 conditioned according to law. Said commissioner will report his action hereunder to a future term of this court and the cause is continued.

C. T. Hambleton
vs $\frac{1}{2}$ Deane
Wm & C. H. Green ^{No 1}

Entered this
Order Book Page
575
March 12th 1894

Enter this deane
W. H. H. H.
March 12th 1894

Champ. J. Hambleton Plff }
 vs. } In Chg.
 Wm & C. H. Greene - Defts }

Received of L. J. Hyatt, Cour. in
 the above styled cause \$8.87 in full
 of my fees to date. This June 19th
 1894. A. B. Munsey Clerk.

Received of L. J. Hyatt, Cour. in
 the above styled cause 50 cts in
 full of my costs in above styled
 cause. This June 19th 1894.
 M. R. Kirk Deputy
 for C. E. Flannery, S. D. C.

Received of L. J. Hyatt, Cour. in the
 above styled cause \$15.00 in full
 of Attys fee in the above styled
 cause. This June 19th 1894.
 Duncan & Hyatt, Attys.
 For C. J. Hambleton

Received of L. J. Hyatt, Cour. in the
 above styled cause \$138.71 in full
 of the debt for which land was sold.
 This June 19th 1894.

Henry J. Morgan, Attys.
 For C. J. Hambleton

C. T. Humble

vs. ^W_W_W_W_W Receipts.

Wm & C. H. Greene

Amount of note dated 11 th day of August 1891 - Int.	
from 20 th day of Apl 1891	184.00
Interest to Nov. 23 ^d 1892	17.57
	<u>201.57</u>
Credit Nov 23 ^d 1892	40.00
	<u>161.57</u>
Int. to Dec. 19 th 1892	.69
	<u>162.26</u>
Credit Dec 19 th 1892	35.00
	<u>127.26</u>
Int to June 19 th 94, day of sale.	11.45
	<u>138.71</u>
Costs of suit	27.00
	<u>165.71</u>
Commissions	8.38

\$174.09

160.00

57.3
44.9
1.1

Champ P. Lamblen

Plaintiff.

vs.

In chancery.

Wm. & C.H. Greene

Defendants.

To the Honorable W.M. Miller, Judge of the Circuit Court
for Lee County, Virginia:

The undersigned Special Commissioner, begs leave to report

That, pursuant to a decree of said Court rendered on the
13th day of March 1894 in said cause, I proceeded, on the 19th
day of June 1894, at the front door of the Courthouse of Lee
County, to offer for sale on the terms prescribed by said dec-
ree, to the highest bidder, the tract of land in the bill and
proceedings mentioned, when one Armina Miner of-
fered for said tract of land the sum of one hundred and seven-
ty-four dollars and nine cents, and that being the highest and
best bid, in fact the only bid, for said land, the said Armina
Miner became the purchaser thereof at that price. She there-
upon paid me the sum of one hundred and seventy-four dollars
and nine cents, being the amount of the debt, interest, costs
of this suit and commissions of sale, five dollars and sixty-
three cents of which is for estimated future costs. The de-
cree required the sale to be made on a credit of twelve months
except a sum sufficient to pay the costs and commissions; but
the purchaser preferred to pay cash rather than pay the inter-
est, and this she was allowed to do by your commissioner.

The following tabular statement will show the manner in
which your commissioner has disbursed the money which came in-
to his hands, the receipts for which disbursements are hereto
attached:

To cash received on day of sale	\$174.09
By Amt. paid A.B. Munsev, Clerk's Fees	\$5.87
" " " M.E. Kirk, D. Sheriff	.50
" " " Duncan & Wyatt, Attys.	15.00
" " " H.J. Morgan, one of the Attys. for plaintiff	138.71
" Commissions retained.	8.36
" Cash retained for future cost.	5.63

\$4.09

This land was sought to be subjected to the payment of a purchase money lien only and this sale has fully paid said lien as will be seen from the calculation and receipts attached.

Your commissioner is of opinion that the tract of land brought a good price, fully its worth in these times, and that said sale ought to be confirmed.

Respectfully submitted,

L. J. Hyatt, Commr.

Chas. J. Haublen
vs. { Commissioner's
 { Report of Sale
Wm. & C. H. Greene

Filed October 26th 1884.
S. F. Richmond Deputy
S. B. Minsey Clerk.

Champ J. Hambley }
vs } In Chy.
Wm H. H. Green }

To The Hon. W. G. Miller,
Judge of The Circuit Court
for Lee County, Virginia.

Your undersigned special
Commissioner, having been
appointed by a decree of your
honor's court rendered in the
above styled cause on the
10th day of November ~~1894~~,
to make a deed to the purchaser
of the land theretofore sold in
said cause begs leave to re-
port as follows: He has
made, executed and acknowledged
a deed whereby he has con-
veyed to Armida Miner the
tract or parcel of land sold
~~to her~~ which said land was con-
firmed to her by said decree
of Nov. 10th 1894. Said deed is
herewith for the inspection and
approval of the Court.

All of which is respectfully
submitted.

L. J. Hyatt, Comm.

Champ. T. Haublen
vs Cour's Re-
 port Deed
Wm H. H. Green

Filed March 12th
1895 - A B Munsey
Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU That you summon

William Greene and
W. H. Greene

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *them* in our said court by *Champ L. Hamblew*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *13th* day of *February*, 189*4*, and in the 11 *8th* year of the Commonwealth.

A Copy Test:-
J. A. G. Hyatt D. Clerk.
J. A. G. Hyatt D. Clerk.

C. T. Hamblew

US.

SUBPENA
IN CHANCERY.

Wm + C. H. Greene

H. J. Morgaw, ^{+ D. H.} p. q.

To 2nd February Rules,

Circuit Court.

Executed February

the 16 1894 By

Delivering a copie
of this sub in

Chancery to Wm
Greene

M R Kirk D S
for C & F. L. Morgan

C L B

Champ T. Haublen
vs ~~W~~ In Chy-
Jm & C N. Greene

peffs Costs

C 7.19

S 50

atty 150

\$22.69

1895 March Term Deere final
See Chy order Book page
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TORNEYS AT LAW

JONESVILLE VA.